

REMARKS

Claims 3 and 6-10 remain pending in the application. Claims 1, 2, 4 and 5 have been canceled and new claims 11 and 12 have been added.

Specification

The Specification was objected to because the Amendment filed October 25, 2007 allegedly introduced new matter into the disclosure. It is the Examiner's position there is no disclosure of the invention comprising separate first and second register means.

Applicants' have amended the Specification at page 8 to refer to the entire management computer 11 as having "a register unit for registering particular reagents in advance". Support for this language is found in original claim 4 which called for "a register unit for registering a particular reagent" and in original claim 2 which states "a mechanism which instructs the control separation means to separate from the control of the automatic analyzing system, the analyzing apparatus in which the one reagent is shortage only when one of particular reagents being registered in advance is detected to be shortage".

In addition, the first full paragraph on page 15 has been amended to delete "the entire management computer has a second register unit for registering the analyzing module in which the reagent is short and for again registering the analyzing module after the reagent is exchanged", which was added by the previous Amendment.

Accordingly, it is submitted that the objections to the Specification as introducing new matter have now been overcome.

Claim Rejections Under 35 USC §112, first paragraph

Claims 1, 3 and 5-10 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement in that there is no support for the system 11 comprising first and second register means as claimed.

The claims have been amended to delete reference to first and second register means and to only refer to a management computer which is programmed to "register particular reagents in the analyzing system in advance". It is therefore believed that remaining claims 3 and 6-10 as well as new claims 11 and 12 satisfy all of the requirements of 35 USC §112.

Patentability of the Claims

Claim 1 has been canceled and replaced by new claims 11 and 12.

Applicants' invention as now recited in new claim 11 as directed to an automatic analyzing system which analyzes sample by using a plurality of analyzing apparatuses each of which contain a reagent and which are disposed along a carrying line. The system includes a reagent shortage detection unit for detecting that a reagent used in analyzing a sample in an analyzing apparatus is short and a management computer for controlling operations of the analyzing system. The management computer is programmed to register particular reagents in the analyzing system in advance, to register an analyzing apparatus in which any one of the particular reagents registered in advance is detected as being short and to stop the analyzing apparatus in which any one of the particular reagents is detected as being short.

New claim 12 has been added which is dependent from claim 11 which calls for the management computer to be further programmed to continue operation of analyzing apparatus in which a reagent which is not registered is detected as being short.

Support for new claim 11 may be found in original claim 4 which specifically refers to a register unit for registering a particular reagent and in original claim 2 in which it is stated that a mechanism is provided which separates from the control of the automatic analyzing system, the analyzing apparatus in which the one reagent is short only when one of the particular reagents being registered in advance is detected to be short.

Moreover, with respect to the limitation of programming a computer to register an analyzing apparatus in which a reagent is detected as being short, the original Specification on page 15, lines 7-10 states that “. In step 407, the entire management computer 11 of the automatic analyzing system registers the analyzing module 5 as an analyzing module necessary for exchange the reagent”.

With respect to stopping the analyzing apparatus in which the one reagent is detected as being short, this limitation is supported not only by original claim 1 but also the entire page 15 of the original Specification.

With respect to new claim 12., support for the management computer being programmed to continue operation of an analyzing apparatus in which a reagent which is not registered is detected as being short, is found in the Specification at page 14, lines 24-28 wherein it is stated that “In contrast, when the reagent for an item name 505 which is not designated to be exchanged becomes insufficient, the analysis at the module is continued in step 403 and all the item names except for the item named 505 are analyzed”. In addition, at page 17, lines 11-15 it is stated “even when the remaining amount of a reagent to be analyzed becomes shortage at one of the plural analyzing modules, the reagent can be exchanged and continue the analysis without stopping the entire operation of the analyzing system”.

Thus, it is submitted that new claims 11 and 12 are fully supported in the Specification.

With respect to the previously cited Mimura, U.S. Patent No. 6,733,728, when one of the reagents which is contained in the analyzing apparatus of Mimura is short, the analyzing apparatus is stopped and the reagent which is short is exchanged. With the method described in Mimura, the analyzing apparatus stops every time one

of all the reagents which is contained in the apparatus is short and thus analysis efficiency decreases.

By contrast, in the present invention, particular reagents are registered in advance and only when one of the particular registered reagents becomes short, does the analyzing apparatus stop. As defined in claim 11, a plurality of analyzing apparatuses are disposed along a carried line. There are a large number of reagents which can be used in the analyzing apparatuses but the total number of reagents which can be contained in the single analyzing apparatus is limited. Therefore, the reagents which are often used are contained in all the analyzing apparatuses disposed along the carry line but the reagents which are rarely used are contained in one of the analyzing apparatuses. When a reagent which is used often is short in one analyzing apparatus, the analysis can be done by the other analyzing apparatuses in which the same reagent is not short. The particular reagents rarely used are registered in advance in the present invention and the analyzing apparatus is stopped only when one of the particular reagents rarely used and previously registered is short.

Accordingly, it is submitted that new claims 11 and 12 as well as remaining claims 3 and 6-10 now depending from claim 11 are patentable.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-184).

Respectfully submitted,

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